

Kelly, C. (2017) Probation officers for young offenders in 1920s Scotland. *European Journal of Probation*, 9(2), pp. 169-191.
(doi: [10.1177/2066220317723479](https://doi.org/10.1177/2066220317723479))

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<http://eprints.gla.ac.uk/143953/>

Deposited on: 25 August 2017

PROBATION OFFICERS FOR YOUNG OFFENDERS IN 1920s SCOTLAND

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Abstract

Relatively little is known about early probation systems in Scotland. While there has been growing interest in Scottish probation history, many aspects of early twentieth century probation practice remain unexplored. This article looks in particular at the role of early juvenile probation officers, their background, their ethos, their guiding principles and methods. Probation in 1920s Scotland was a controversial topic that provoked much debate, chiefly concerning the appropriate personnel to act as probation officers and under what conditions should they operate. The article examines these debates regarding probation reform in the interwar period.

Keywords

Probation history, probation officers, Scotland, young offenders, 1920s

While the history of probation in England and Wales has been well documented, far less is known about how probation developed in Scotland. To date there has been sparse information about Scotland's first probation officers, their motivations and concerns. This paper attempts to address these issues, looking in particular at the role of early juvenile probation officers, their background, their ethos, their guiding principles and methods. There were many hotly contested issues swirling around probation in 1920s Scotland, chiefly concerning

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the appropriate personnel to act as probation officers and under what conditions should they operate. The paper will explore these debates regarding probation reform.

The traditional history of probation in England and Wales emphasises several factors, particularly probation's humanitarian, religious origins in the activities of the police court missionaries of the Church of England Temperance Society (Bochel, 1976). This account has been subject to revision by scholars who question the Whiggish historical view that probation's development was part of an ongoing march towards enlightenment (Wiener, 1990). These revisionist interpretations place greater emphasis on the social control aspects of criminal justice (Ignatieff, 1989). Peter Young (1976), for example, argued that probation originated from a middle class, charitable enterprise aimed at disciplining the working class and similar arguments have been made by other scholars (Garland, 1985; Mahood, 1995; Mahood and Littlewood, 1994). Other aspects of probation history which are well recognised include the influence of the American example and also the role of penal reform groups and allied pressure groups in the campaign for probation legislation which culminated in the Probation of First Offenders Act 1887 and the Probation of Offenders Act 1907 (Mair and Burke, 2012; Vanstone, 2004). Bill McWilliam's analysis is among the most influential accounts of the development of probation. He identified broad changes occurring from the missionary ideals of the late nineteenth century to diagnostic notions of treatment which were, in their turn, supplanted by the pragmatic approaches of later years (McWilliams, 1983, 1985, 1986, 1987; Mair and Burke, 2012). More recently, Maurice Vanstone (2004) has made a very significant contribution, drawing on practitioner discourse and other sources to

re-evaluate earlier revisionist and analytical interpretations and emphasising the wide range of factors involved in probation history: these encompass the political dimension, the cultural, the humanitarian and the scientific. Mair and Burke's (2012) 'synthesising history' of probation also recognises the importance of the broader social, political and economic context as does Whitehead and Statham's study (2006). Scholarly interest continues unabated with the addition of Raymond Gard's (2014) book underlining the contested, conflicted and problematic aspects of probation history.

By contrast, relatively little academic attention has been paid to the history of probation in Scotland. This is perhaps related to the impact of the Social Work (Scotland) Act 1968 which spelled the end of the Scottish Probation Service, transferring the responsibility for supervision of offenders to criminal justice social workers based in social work departments (see McNeill, 2005).² Arguably, this reinforced the notion of the probation officer as a feature of Scottish criminal justice history consigned to dim and distant decades.³

A notable exception to the lack of scholarship on this subject is Fergus McNeill's work on Glasgow, particularly his analysis of a valuable secondary source, a short history by City of Glasgow Probation Area Committee published in 1955 which reviewed the beginnings of probation in the city (City of Glasgow, 1955; McNeill 2005, 2016). This source left many important questions unanswered: for instance the 'intriguing' issue of why the police were barred from acting as probation officers under the Probation of Offenders (Scotland) Act 1931

² The Social Work (Scotland) Act 1968 is best known for implementing the introduction of the children's hearings system in Scotland, in line with the recommendations of the Kilbrandon Report, *Children and Young Persons (Scotland)*, Cmnd 2306, Edinburgh, HMSO, 1964.

³ Section 12 of the Act dealt with adult criminal justice services; McNeill 2005.

(McNeill, 2005: 28). It also had little to say about the way probation developed in other parts of Scotland. McNeill commented that the detailed history of early probation in Scotland seemed lost and unknowable with precious few new sources coming to light.

McNeill's research has been particularly valuable not only in its focus on Glasgow's early probation history, but also in his work on probation in the West of Scotland in the 1960s. In collaboration with Beth Weaver he has skilfully uncovered the stories of probationers themselves, as well as the attitudes of probation practitioners (McNeill, 2009, 2010; McIvor and McNeill, 2007; McNeill and Whyte, 2007). This was achieved through an investigation based on oral histories of 13 former probation officers and 12 former juvenile probationers. My aim in this paper is to contribute to this growing awareness of Scottish probation history by focusing on the neglected topic of probation for young offenders in the 1920s. Although it has not proved possible to shed much additional light on what probationers themselves thought, the work of McNeill and Weaver can be complemented here by giving further insight into probation practice in the early twentieth century. As will be discussed later, a major part of the discourse in this period was centred on questions such as the ideal qualities needed in a probation officer and the organisational issues surrounding probation reform. The paper attempts to piece together a few of the missing elements in the jigsaw of Scottish probation history, especially the issue raised by McNeill about the bar on police probation officers from 1931 and the way early probation was organised outwith Glasgow.

It is important to emphasise that the Scottish history should be located within the international context. It is widely recognised that, in an early example of

policy transference (Mair and Burke, 2012), interest in various forms of probation practice emerged in a number of jurisdictions both in the Anglo-American sphere and in many European countries (Harris, 1995). While the European experience was often characterised by the predominance of non-supervisory conditional sentences (Durnescu, 2013; Harris, 1995; Robinson and McNeill, 2016), Anglo-American probation practice and policy was associated with a supervisory element: in the UK the Probation of Offenders Act 1907 exhorted probation officers to 'advise, assist and befriend' offenders (Mair and Burke, 2012; Vanstone, 2004).

To give an outline of how the paper is set out, it starts by discussing briefly the context in which probation developed in the 1920s. This is followed by an overview of the varying practices and arrangements in different towns across Scotland. The paper then examines in more depth the role of probation officers in the two main Scottish cities, looking first at Edinburgh probation officers and secondly at practices in Glasgow. The final section of the paper moves on to look at probation in the 1930s in the wake of the Probation of Offenders (Scotland) Act 1931 which set up a national probation service along the lines of that set up in England and Wales under Criminal Justice Act 1925, Part 1; this section includes a discussion of the professionalisation of probation officers. It also analyses the relationship between probation for young offenders and the development of juvenile courts in Scotland. These courts were first created under the Children Act 1908, a UK statute, to deal with juvenile offenders under the age of sixteen. There was widespread dissatisfaction with the operation of the early juvenile courts in Scotland, particularly their failure to offer a truly

specialist forum for young offenders (Kelly, 2016 a) and the debates on this in the 1920s and 1930s had parallels with calls for probation reform.

So, the paper addresses a range of issues, reflecting the shifting landscape in juvenile justice as new ideas influenced by penal welfare considerations of treatment and individualised justice took root. But it will be argued that in many cases this went hand in hand with well established ideas of reforming character by encouraging the ideals of hard working and upright citizenship – in other words probation officers did not abandon previous approaches although they embraced new ideas too. The paper also aims to contribute to the debate about probation as a disciplinary mechanism discussed by scholars such as Young, Mahood, Littlewood and Garland (Garland, 1985; Mahood, 1995; Mahood and Littlewood, 1994; Young, 1976). It is argued here that, although this was true in some respects, this interpretation perhaps requires modification in that it places insufficient emphasis on the positive aspects of the probation process.

2 Juvenile Probation in the 1920s

Debates about the future of probation in Scotland were taking place in a context where reassessment of juvenile justice, and criminal justice generally, was high on the official policy agenda. In England the influential Committee on Young Offenders reported its findings in April 1927 (Molony Report, 1927).⁴ In Scotland a parallel committee addressing similar issues was appointed in 1925 under the chairmanship of Sir George Morton K.C (Morton Report, 1928). Like the English Committee, its remit was to investigate the treatment and training of young people and young offenders requiring care and protection. The Morton

⁴ Chaired by Sir Thomas Molony,

Committee reported in 1928 and the evidence presented to it offers many clues about the way probation officers saw their role. The Scottish Committee considered evidence from a wide range of witnesses with an interest in juvenile justice. As well as probation officers, representation included police officers, judges, procurators fiscal, church, charity and social groups, educationalists, school attendance officers, medical officers, youth organisations, psychological experts, the Royal Scottish Society for the Prevention of Cruelty to Children (RSSPCC) and evidence from those involved in running borstal and industrial and reformatory institutions. Although the Morton Committee emphasised that it reached its conclusions independently, its Report commended the ‘most valuable’ English Report, noting that both Committees were in agreement on “a large number of questions” (Morton Report, 1928: 9). England was making headway in reforming probation with the Criminal Justice Act 1925, Part 1 of which set up a national probation service south of the border. The Morton Committee looked admiringly to this model and proposed a service on similar lines should be established in Scotland (Morton Report, 1928: 74). This paved the way for the Probation of Offenders (Scotland) Act 1931. Against this background of reform, commentators on probation history have rightly observed important shifts of emphasis in the early decades of the twentieth century. McNeill discusses the transition, firstly from punishment to supervision and subsequently from supervision to treatment (McNeill, 2005). Similarly, as noted earlier, Bill McWilliams has examined the change of emphasis from Victorian religious ideas to a scientifically rooted treatment approach followed by the pragmatism of later years (McWilliams, 1983; 1985; 1986; 1987; Mair and Burke, 2012). As the remit of the Morton Committee suggests, the milieu in

which it was set up was one in which issues of treatment were accorded particular recognition, with some appreciation of individualised justice and also scientific approaches to young offenders beginning to make inroads in Scotland. The sources examined later in the paper indicate the ways in which more traditional ideas based on character, citizenship and the influence of religion continued to be emphasised, despite the growing awareness of scientific notions. Next the paper examines the way this diverse range of issues was approached in the context of the localised, ad hoc probation arrangements found across Scotland in the 1920s. The extent of variation in practice in the 1920s is perhaps best illustrated by looking at specific Scottish towns and regions. The following section therefore provides a brief overview of the general situation and then moves on to focus on Aberdeen, Dundee, Fife and Edinburgh.

3 Overview of Probation Arrangements in Scottish Towns in the 1920s

To some extent the striking variation in probation arrangements across Scotland in the 1920s could be explained by the point made by English historians Mair and Burke (2012) that the lack of specificity in the Probation Act 1907 left space wide open for differing local arrangements to be installed. This was reflected in the English context by the advanced development of probation in London under the pioneering juvenile court magistrate, William Clarke Hall, which was not replicated to the same extent elsewhere (Behlmer, 1998). Arguably, the absence of legislative detail in the 1907 Act was also associated with the myriad of different local arrangements in Scotland.

The varying probationary practices and arrangements in different towns was summarised by the Morton Report. The Report shows that Glasgow was heavily

reliant on police probation officers which was not the case in most other areas. The Report noted that there were four different types of system in place in Scottish towns. In Glasgow and one or two other towns male probation officers were drawn wholly from the local police. In a small number of towns a hybrid arrangement was in place with a combination of police probation officers and voluntary probation officers. The third situation was where probationary services were offered by a group of volunteers handling one or two cases each, sometimes acting alongside paid staff of philanthropic societies who looked after a larger number of cases. This was the practice in Edinburgh. Fourthly, there were places with only one or two part time probation officers drawn from philanthropic or religious groups. It was also noted that some burghs had no probation officer. Indeed, one of the points stressed by Morton was the surprisingly small percentage of cases where probation was used: in 1925 out of a total of 26 473 young people under 21 who were convicted, only 1244, a mere 4.7%, were placed on probation, an underuse which Morton sought to rectify.⁵

If we look now in more detail at the practice in specific areas we can see that in Aberdeen probation was in the hands of one paid probation officer and a number of honorary officers who were representatives of local juvenile organisations such as the Boys Brigade, guiding or scouting organisations. It is startling to read that these very active youth organisations boasted as many as 9020 members under the charge of between 700 and 800 volunteers. According to Mr Bennett Mitchell, who appeared on behalf of the Aberdeen Juvenile Organisations Committee, two representatives of the Committee attended the juvenile court in

⁵ Morton Report, Minutes of Evidence (hereafter MR, Minutes), National Records of Scotland, NRS/ED15/258.

Aberdeen each week.⁶ Their aim was to persuade children in trouble to join one of these juvenile organisations. One of the representatives was named in the probation bond as the probation officer and undertook responsibility for supervision. He claimed that this system produced 'the best results.'⁷ His explanation of juvenile crime in Aberdeen was predominantly environmental. Echoing an observation made by many other witnesses to the Morton Committee, he commented that children appearing before the court were usually there for very trivial misconduct, such as playing football on the streets or minor cases of malicious mischief; he attributed much of this misbehaviour to the inadequate housing conditions, overcrowding and lack of play facilities for children. He also remarked that once children became involved in juvenile organisations they rarely caused any trouble. The important point to note here is the huge influence of juvenile organisations in Aberdeen, and elsewhere, all promoting a model of upstanding sober, god fearing and civically engaged citizenship. These voluntary organisations were influential throughout Scotland and this traditional resource continued to be a major factor in assisting professional probation officers in the 1930s and beyond. This supports the idea that new treatment models based on scientific approaches sat alongside more established, traditional ideas about civic engagement as a route to reform.

Turning to Dundee, the Chief Constable of the city reported to the Morton Committee that in December 1925 there were only four part-time probation officers, all appointed by magistrates at a salary fixed by the Town Council.⁸ He bemoaned the lack of a full time officer, blaming this on lack of financial

⁶ Ibid.

⁷ Ibid.

⁸ MR, Minutes, NRS/ED15/255.

resources, but in response to a question about the possible appointment of a 'whole time man,'⁹ he added that this was under consideration if money could be found for the post. Apart from the obvious gender bias here in the default presumption that a probation officer would naturally be male, the situation was also noteworthy for the stark division along sectarian lines: at that time there were two Roman Catholic probation officers, one male and one female, two Protestant female probation officers (from the Salvation Army and the Local Temperance Gospel Union) and one male Protestant vacancy. The Chief Constable was unimpressed by the part time Dundee probation officers for two main reasons: their lack of accountability and their inefficacy, demonstrated by their reluctance to act when the conditions of the probation bond were breached. Complaints of this kind about probation officers drawn from philanthropic groups, part time or voluntary officers were also made by the Chief Constables of Edinburgh and Glasgow, all equally resolute in their insistence that policemen made the ideal probation officers and were preferable to unaccountable and ill disciplined volunteers.

Fife was entirely reliant upon the services of volunteer probation officers. These included RSSPCC Officers, known colloquially as the 'Cruelty Men', as well as ministers of religion, education officials or former policemen. The local Procurator Fiscal, Mr Soutar, remarked on the benefits of voluntary officers, arguing that they were better because :

'the success of probation work depends upon the personal element, the

⁹ Ibid.

sort of friendly element, rather than the watchdog element, which is supposed to prevail with the paid official in uniform or otherwise.’¹⁰

Nonetheless, when referring to the good probationary work done by RSSPCC officers, he conceded that their interventions were usually ‘tolerated’¹¹ rather than welcomed by the parents of probationers. It is also worth noting his comments on the type of case considered suitable for probation. Making a similar point to that made by Bennett Mitchell about the trivial nature of most children’s offences, he stated that they were mainly ‘petty thefts or disorderly conduct, playing football on the street, kicking balls against folks’ windows or in open drying greens in the colliery villages.’¹² When asked if he had ever done anything like this himself as a child he replied that he had been ‘taken up’¹³ by the police himself for playing shinty in the street along with a companion who later went on to prominence as Provost. This exchange suggests a degree of sympathy and understanding from criminal justice officials for children in trouble before the courts, and this was reflected in the leniency with which first offenders were treated in Fife:

‘... if the little beggar on a first appearance takes ‘the telling’ he is dismissed under the Probation of Offenders Act. If he is persistent, led astray by his companions, then we would put him on probation, possibly leaving him to the care of his father, or if we could not depend on him, trying to get somebody in the neighbourhood who would undertake to be official probation officer and give us a regular report. Then we get the

¹⁰ MR, Minutes, NRS/ED15/255.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

school board officer or an ex constable, or perhaps the minister of a congregation, to take an interest in some of the cases.’¹⁴

This passage indicates the rather haphazard, ad hoc system of probation in Fife in the 1920s, with parental supervision being considered as the first line of probationary control. Resort to official probationary supervision by respected figures in the local community was reserved for cases where the child’s home was thought to be deficient in discipline. And this impression is supported by further comments made by Mr Soutar which testify to a kind of informal supervision which bypassed the probation statutory provisions altogether. This type of practice occurred, for example, in a case where the local Episcopalian minister successfully intervened on behalf of members of his scout group who were charged with theft of saplings which they had taken home to plant. Mr Soutar agreed to drop the proceedings on condition that the minister undertake to ‘look after these boys’. ¹⁵ The same approach was taken in other cases of petty thefts with young offenders ‘put on probation in this way for three months or six months, but that is all.’ As Mr Soutar insouciantly noted, this was accomplished ‘without reference to the (Probation) Act at all.’¹⁶ This points to a very loose interpretation of probation in some areas.

Compared to Fife, Edinburgh’s probation system appeared relatively well structured. Here extensive use was made of the services of volunteer probation officers, most of whom handled one or two cases each. As noted earlier, they acted alongside several members of paid staff from philanthropic or religious organisations who were each responsible for a larger caseload. Confusingly, the

¹⁴ MR Minutes, NRS/ED15/255.

¹⁵ Ibid. The minister was asked to notify the victim of the theft about this decision.

¹⁶ MR, Minutes, NRS/ED15/255.

philanthropic staff were also referred to as volunteers, despite receiving payment from their employing body. The Morton Committee reported that in 1925-1926 over 40 representatives of the Edinburgh Juvenile Organisations Committee were active as probation officers for a total of 57 young offenders (Morton Report, 1928: 73). As happened in Fife, probationary supervision was carried out by official voluntary probation officers named in a Bond and also by volunteers without official standing. The unofficial volunteers were known as probation guardians (Morton Report, 1928). It appears that the use of guardians was useful for those probation officers who were charged with overseeing a number of cases and wished to delegate the task of supervision, as is explained in the next section which looks in more depth at Edinburgh's probation officers.

4 Probation Officers in Edinburgh in the 1920s

As we have seen, at this period probation tended to be carried out in most places in a haphazard, ad hoc manner. It therefore seems impressive that Edinburgh had a hierarchically organised arrangement of probation officers headed by a Chief Probation Officer, Peter Wallace.¹⁷ But, despite the title, this post was still held in a voluntary, unsalaried capacity. As was the case with a considerable number of other Edinburgh probation officers, Peter Wallace was technically a volunteer probation officer, but still received a salary from another organisation. In his case he received a salary from his post as Superintendent of licence holders with the Prison Commissioners. The significant aspect of his appointment was that it appears to have been supported both by his employers and another body, the Scottish Central Association for Probation as part of an

¹⁷ MR, Minutes, NRS/ED15/258.

effort to promote a structured system of probation.¹⁸ This shows the pressure from interested groups pushing for effective reform of probation structures. As I will discuss later, there is evidence of strong involvement of a range of public organisations in the development of juvenile probation and juvenile justice generally, especially in relation to the Glasgow history. There are parallels here with the impact of pressure groups in England mentioned at the beginning of the paper.

Wallace testified that the initial stages of the probation process were dealt with by a probation officer who explained to the probationer the meaning of the Probation Bond and what failure to abide by its conditions would entail. Once the probationer's home had been visited and the circumstances investigated by reading police reports and hearing the probationer's story, the next step was the appointment of a volunteer 'guardian.'¹⁹ The guardian, selected 'with special care' for each individual case, was recruited from church and social organisations.²⁰ The primary quality regarded as essential for a guardian was interest in the welfare of the probationers. Peter Wallace stressed that they acted in an unofficial capacity: although the guardian took 'over the case after the Bond has been made out'²¹ he 'has no official status and no official authority over the offender.'²² According to Wallace's account, guardians were closely regulated: they were instructed to visit the probationers weekly and were required to provide a monthly report to be sent to him stating how often they had seen the probationer and giving details of residence, employment, earnings

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ MR, Minutes, NRS/ED15/258.

²¹ Ibid.

²² Ibid.

and conduct. Most importantly, the Chief Probation Officer was to be informed immediately if the probationer's conduct was unsatisfactory or if he had absconded.

This account indicates the organised nature of probationary work in Edinburgh. Wallace was convinced of the merits of the system, describing it as an 'ideal' arrangement which made effective use of the services of guardians who were 'usually business men who have not time to attend courts.'²³ Like the Fife Procurator Fiscal, Soutar, Wallace emphasised that the unique advantage of the volunteer probation officer was his ability to form a bond of friendship with the probationer. The fact that he was 'not suspected of being a mere official'²⁴ allowed him to gain the trust of the probationer 'because he is seeking his good from disinterested motives.'²⁵ This enabled him to wield greater influence: 'the human touch is the keynote of success in probation work.'²⁶ This, together with the benefit of the 'freshness of mind'²⁷ of volunteers was the main argument advanced by Wallace, and others, for the volunteer probation officer. As will be discussed later, this type of argument was one which was often repeated in many other social contexts where a similar line of argument was advanced emphasising the flexible approach of voluntary workers (Berthezene, 2016; Finlayson, 1990). On the other hand, volunteers had many detractors, particularly those who advocated police probation officers, as will be discussed shortly. And even those, like Wallace, who were strongly in favour of volunteerism, could see that there were drawbacks, especially in terms of

²³ Ibid.

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ MR, Minutes, NRS/ED15/258.

maintaining commitment. He noted that volunteers were inclined to be 'spasmodic'²⁸ and needed encouragement:

'Visits to guardians are very necessary as sometimes a person gets weary in well-doing, especially when a case lasts for a considerable period of time.'²⁹

This was not the case with all probationary workers though. A very enthusiastic account of voluntary probation work in Edinburgh was given by Thomas Stevenson JP, voluntary probation officer at the police and burgh courts in Edinburgh from 1909.³⁰ Like many volunteer probation officers, he was involved in the Juvenile Organisations Committee which regulated local youth groups. He also acted as chairman of the Edinburgh and District Probation Officers Association.

Although his comments were sometimes suggestive of the condescension characteristic of many probation officers, they revealed deep commitment to probationary work and demonstrated the remarkable effort he made to engage with his charges. The deeply embedded social control aspect of probationary inspection has been discussed by many commentators, including Mahood in the Scottish context and Garland and Young in the wider British context (Garland, 1985; Mahood, 1995; Mahood and Littlewood, 1994; Young, 1976). These interpretations are valid in many respects, but what they perhaps underplay is the extent to which some probation workers managed to find common ground with their charges, gain their trust and even, in some cases, turn their lives around. McNeill has emphasised this point about probation's capacity to

²⁸ Ibid.

²⁹ Ibid.

³⁰ MR, Minutes, NRS/ED15/255. From 1909 to 1922 he dealt with 220 boys aged 15 to 21 appearing in Edinburgh courts although from 1922 he dealt only with especially demanding cases.

facilitate rehabilitation and desistance and it is well demonstrated in the case of Stevenson (McNeill, 2009, 2010; McNeill and Whyte, 2007).

As already noted, an attitude of well meaning but patronising superiority was a constant theme in probation work and Stevenson did not entirely escape this trait. In this instance, when Stevenson was speaking of recalcitrant cases, he said that he sometimes wondered if ‘we expect too much of this class’³¹ by trying to ‘impose too high a standard of decency.’³² He questioned whether the probationers even wanted this help, although they might be considered as better for it. Despite the class conscious tone, this demonstrates sensitivity and insight into the wishes of the probationers themselves who were likely to have resented the intrusion into their lives and the curtailment of their freedom. But the particularly noteworthy aspect of Stevenson’s approach is that his statements reveal someone who made a genuine effort to understand his charges and their motivation.

He explained that his involvement with a case began when he received a call to attend court. Once there, he was allocated the case by the magistrate and the clerk of court would read the Bond out to the boy in his presence. He did not find the court a congenial or useful place to discuss matters, finding that boys were usually ‘very penitent’ and likely to ‘promise anything’ immediately after court.³³ Instead he arranged a home visit before which he obtained information about the boy’s previous conduct. Stevenson gave several telling examples of how his cases turned out. They demonstrate a light hearted, empathetic approach which is not always associated with probation officers. One case was of a boy, 16 year

³¹ Morton Report, Statement, (hereafter MR, Statement), NRS/ED15/258.

³² Ibid.

³³ MR, Statement, NRS/ED15/258.

Jock, convicted of breach of the peace on 24th April 1909. His home influence was described as 'very bad'.³⁴ He was the middle child in a family of three with a sister of 24 employed as a rubber worker and a younger brother of 11 still at school. His mother was a charwoman and his father a joiner who seldom worked and drank heavily. Despite the inauspicious start, Jock was a success story, gaining employment as an apprentice baker and managing to emerge from the probation process with a secure future in prospect. In an early example of casework recording, Stevenson kept a file of his cases on a card index and his notes on the 'fitba daft'³⁵ Jock's case from 1911 are illuminating:

'A lad without any vice, full of beans and a good sport. He has a good time ragging the police in Gorgie. Got him enrolled in Gilmore Place School, bakery classes. Fed up and 'chucked it' because he got nothing but 'sums' to do. I have had to renew my acquaintance with 'soccer' as Jock can speak of nothing else. Had a call from teacher at night school, who will take him back if he behaves. Jock again chucked out for throwing dough about. Keen now to get away to sea as a cook, and promises to stick in at school. Jock gets his chance on Allan Liner as Assistant Cook. April 1911.'³⁶

The same kind of jocular, irreverent attitude was evident in another case where he supervised a boy who had been in trouble for taking bikes from tenement entrances 'to have a shot'³⁷ and later abandoning them. Stevenson commented that he cured him of this habit by securing him a job as a delivery boy with Lipton's. He had to deliver goods with a big four wheeled bike which 'nearly

³⁴ Ibid.

³⁵ Ibid.

³⁶ MR, Statement, NRS/ED15/258.

³⁷ MR, Minutes, NRS/ED15/255.

broke his heart.’³⁸ This inventive effort to engage with probationers by directing their energies to positive uses was also shown in another case where, as with Jock, Stevenson took an interest in sport, in this instance Hearts football club, to help forge a bond with a probationer.

Despite his seemingly carefree enthusiasm, Stevenson was serious about discharging his responsibility to his charges: he was at pains to stress that the probationers deserved respect as future citizens.³⁹ His approach was underpinned by the idea that the most effective method of probation was one where probation officers took an interest in their charges by being ‘chummy’⁴⁰ rather than heavy handed authoritarian figures. For this informal approach to work it was essential, in his view, to have the services of volunteer probation officers. His ideal method in helping a young offender was to ‘jolly him along until he begins to take a pride in himself’, appealing to his ‘sporting side’ to encourage him to ‘play the game.’⁴¹ Seeing himself as in the role of an avuncular ‘big brother’, he had the probationers call at his home on a monthly basis to share tea and a ‘sing song’ with other lads.⁴² Above all, he valued a good sense of humour which could see the funny side in a boy putting a policeman on the beat off his ‘regulation stride’⁴³ by whistling. More seriously, he emphasised the importance of having ‘a big heart’ and understanding children, in contrast with over earnest magistrates whom he described as ‘motheaten’ and long past childhood themselves.⁴⁴ This point about magistrates often being too old and

³⁸ Ibid.

³⁹ Ibid.

⁴⁰ MR, Minutes, NRS/ED15/255.

⁴¹ MR, Statement, NRS/ED15/258.

⁴² Ibid.

⁴³ MR, Minutes, NRS/ED15/255.

⁴⁴ Ibid.

unable to relate to children was a very common theme, one which was often repeated in debates in the 1920s, 1930s and 1940s over the need for specialist magistrates in juvenile courts.⁴⁵ Also tapping into another contentious issue, he argued that magistrates in juvenile courts were too much concerned with justice rather than the interests of the child. Here he touched on fundamental questions about appropriate responses to children in trouble, advocating a focus on needs, not deeds as Kilbrandon was to emphasise several decades later (Kilbrandon Report, 1964).

Stevenson made a convincing advocate for volunteer probation officers on a practical level too. Often business men like himself, they were able to exercise their influence to help children gain employment through organisations such as the Rotarians who had a wide network of contacts geographically. This contrasted with paid probation officers without business connections who had limited scope for assisting with employment. This all points to a civically inspired model of voluntary social service with links to professional commercial organisations as well as church and social groups acting as a resource for the benefit of young offenders in Edinburgh.

Other Edinburgh probation officers who testified to the Morton Committee flesh out the picture further, with women probation officers like Dorothea Maitland revealing ambivalent attitudes towards probationers: on the one hand, they espoused a compassionate approach and empathetic understanding of probationers, but, on the other, their attitude exposed the stark class divide which sometimes existed between the probation officer and their probationers.⁴⁶

⁴⁵ See letter from Aberdeen Headmaster to the Lord Advocate complaining about the age of court officials in the juvenile court, dated 4/10/49. NRS/20531K/AM3. See too *The Scotsman* (1938a).

⁴⁶ MR, Minutes, NRS/ED15/255.

As Mahood and Littlewood (1994) found in their gendered analysis of the activities of Scottish 'Lady Child Savers,' women probation officers appeared to focus on disciplining working class leisure activities. For example, Maitland expressed deep concern about the dangers of early sexualisation, revealing lack of insight into working class culture when she conflated prostitution with normal courtship practices (Mahood and Littlewood, 1994).⁴⁷ She also saw regarded places where young people socialised such as ice cream parlours, cinemas and tattoo parlours as fraught with moral peril, especially for girls (Mahood and Littlewood, 1994). Within this context she was in favour of control and supervision for young people proved in the Sheriff Court to be 'beyond all control.'⁴⁸ An even more disciplinarian approach was taken by fellow probation officer, Katherine Scott, who advocated preventive institutionalisation of girls over 16 deemed beyond parental control, even where no offence had been committed.⁴⁹ The beyond control formula had a long standing history in terms of disciplining younger juveniles, being a well established ground of admission to institutional control under industrial school legislation since the nineteenth century (Kelly, 2012, 2016 a, 2016 b). Scott specialised in probation for women and girls over 16 and she was very familiar with the institutionalisation of young women, commenting that:

'A considerable number of Probation cases are sent to rescue homes, if the offender agrees to such a procedure.'⁵⁰

Her approach advocated extending this ostensibly voluntary practice by the coercion of unwilling cases to prevent them lapsing further into immorality. All

⁴⁷ MR, Minutes, NRS/ED15/255.

⁴⁸ MR, Statement, NRS/ED15/258.

⁴⁹ Ibid.

⁵⁰ Ibid.

of this fits well with the disciplinarian notion of probation officers suggested by Mahood and Littlewood (1994). It also supports the findings of Pamela Cox in relation to rescue homes and the widespread sexual policing of young girls by way of institutionalisation (Cox, 2013).

Despite this authoritarian attitude and apparent disapproval of aspects of working class life, an unexplored aspect of the role of probation officers which emerges from these accounts was the depth of their involvement in the lives of probationers. Some undertook to deliver social care on a fundamental level. For instance, Maitland talked of the need to train probation officers in practical matters like assisting probationers with health and hygiene:

‘You must have practical training; you must know what people are like; you must be able to clean their dirty heads and attend to their clothes and all kinds of nasty things. You require to learn all that but you won’t learn it with university training.’⁵¹

She argued that this was an integral part of the probation officer’s role in helping probationers and that it was important to recognise that ability to tackle these harsh realities was what mattered in doing an effective job, rather than fanciful ideas about theoretical university training. This points to a suspicion of intellectualisation, showing that some probation officers were unconvinced by notions of scientifically based professionalization. More will be said about the contrast between different versions of professionalization in Section 6 of the paper.

Another important point which emerges strongly from the evidence provided to to the Morton Committee is that Edinburgh’s probation officers were drawn

⁵¹ MR, Minutes, NRS/ED15/255.

from a broad range of backgrounds. The questioning from the Committee on the difference in approach between officers from 'the professional classes' and the 'working classes' suggests that class consciousness was a sensitive topic.⁵² While some middle class witnesses commended working class probation officers for their work, they also expressed reservations about their suitability for the role. For example, the Boys' Brigade Vice President Leonard Bilston said that he had known of 'working men' who made 'excellent probation officers'⁵³ but he added that it was desirable that probation officers should be recruited from 'the better class.'⁵⁴ Similarly, the probation officer Katherine Scott, recommended that probation officers should be 'educated men and women.'⁵⁵ On the other hand Dorothea Maitland commented that 'it would be most disastrous to keep the working class probation officer out because I think they are absolutely magnificent in the work that they do'.⁵⁶

James McManus was one probation officer who emphasised his credentials as 'an ordinary working man'.⁵⁷ As Lord Polwarth remarked, he was a bona fide volunteer, an 'actual voluntary probation officer',⁵⁸ not one of those 'technically' called volunteers who were 'paid by some society'.⁵⁹ For MacManus, having a sympathetic, approachable personality was the essential quality. He spoke about his attempts to involve the boys he supervised in juvenile organisations as a way of channelling their energies positively and described how he empathised with the families of probationers and sought to sustain them; he even celebrated the

⁵² MR, Minutes (James McManus), NRS/ED15/255.

⁵³ MR, Statement, NRS/ED15/258.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ MR, Minutes, NRS/ED15/255.

⁵⁷ He was one of a group of eight probation officers all but one of whom were from a similar background who were responsible for serving Catholic probationers.

⁵⁸ MR, Minutes, NRS/ED15/255.

⁵⁹ Ibid.

successful completion of probation with a ritual where he encouraged parents of probationers to tear up a copy of the probation bond in front of him and the probationer. This 'severing the connection with the trouble the boy had been in' was something he did where parents were supportive of the probationer's efforts and in his view it heralded a fresh start for the family.⁶⁰ This suggests genuine engagement which involved not only probationers, but their families too. However, it also underlines the point made by historians like Mahood and Garland that probationary inspection extended beyond the life of the probationer himself to encompass his wider family too (Garland, 1985; Mahood and Littlewood 1994).

The overall impression of Edinburgh probation officers in the 1920s is of a disparate grouping of individuals with mixed motivation and ideas, some genuinely inspiring, engaged and well able to relate to probationers and others more authoritarian and disciplinary in approach. Some, particularly the paid staff of philanthropic societies who were weighed down by a heavier burden of cases, looked to reforms along English lines to bring the security of a professionalised, structured probation service with all the benefits that offered in terms of organisation, conditions, salary structure, training, pension entitlement, and professional status.

5 Glasgow's Probation System in the 1920s

The first probation officers were appointed in Glasgow in 1905, two years before the Probation of Offenders Act 1907 (Morton Report 1928: 62). But Glasgow was not only precocious in that respect, it was also quite different from other Scottish

⁶⁰ MR, Minutes, NRS/ ED15/255.

cities in the way probation developed there. As we have seen, in most of Scotland, as in England and Wales, probation had its origins in volunteerism, religiously inspired charity, civic mindedness and philanthropy delivered in a sometimes ad hoc, disorganised fashion. Glasgow, on the other hand, prided itself on the organised efficiency of its probation services which were delivered with authority and thoroughness by criminal justice professionals, the police. This system was not without its detractors; it aroused considerable controversy from those who advocated that probation services should be dissociated from the police entirely. Opposition to police probation officers arose from many quarters, including a range of public organisations. For example, in 1921 representations were made to Glasgow Town Council by a wide range of groups critical of the use of police probation officers as well as other aspects of juvenile justice. These included the Scottish Christian Social Union, Glasgow Education Authority, the National Council of Women of Great Britain and Ireland, the Glasgow Council of Juvenile organisations, the Glasgow Women's Citizens Association and the City Mission.⁶¹ Their vision of juvenile justice reform saw genuinely specialist juvenile courts with specially qualified judges as key features. Perhaps influenced by developments in London juvenile courts (Behlmer, 1998; Logan, 2005, 2009) they pressed for the input of women with experience of dealing with juveniles to act as assessors assisting judges in the juvenile courts.⁶² Most relevantly for the purposes of this paper, an important aspect of their reform agenda was provision of salaried probation officers dissociated from the police. They also saw a place for carefully chosen volunteer

⁶¹ MR, Statement (Rev. David Watson), NRS/ED15/258.

⁶² Ibid. Under the Juvenile Courts Metropolis Act 1920 juvenile courts were conducted by a stipendiary magistrate assisted by two lay justices, one of whom had to be a woman. Note the background debate over whether women should sit as assessors or justices (Behlmer 1998; Logan 2005; Logan 2009).

probation officers. In fact, a scheme run by volunteers with police approval was set up for a brief period but this attempt was unsuccessful, failing, according to one witness, because the cases selected were unsuitable.⁶³ As noted earlier, this example of civic engagement as a driver of reform echoes the activities of English feminist, socialist and policy networks in reform processes south of the border (Logan, 2009). It also resonates with Linda Mahood's observations on the network of Scottish socialist and feminist pressure groups campaigning against the corporal punishment for young offenders in the 1930s (Mahood, 2002).

Another feature in common with England and Wales was the influence of the American example of probation. Bailie John Bruce Murray, who is credited with introducing probationary supervision to Glasgow, was impressed by the American system and in March 1905 persuaded the town council to set up a special committee of magistrates and police court judges to examine the possibility of setting up a probation system in Glasgow. As McNeill (2005) points out, one of the factors which prompted this move was concern about the widespread use of imprisonment for fine defaulters. In his evidence to the Morton Committee, Murray also added that he was motivated by the 'then more or less 'mechanical'⁶⁴ treatment of offenders, with special reference to first offenders, juveniles, women and children'.⁶⁵ With some pride in Glasgow's far sightedness, Murray commented that in 1905 a 'fully equipped probation system' with nine probation services was established, two years before the same system was 'practically embodied in the Probation of Offenders Act 1907'.⁶⁶ Further suggestions for reform by a committee in 1907-1908 were put on hold until after

⁶³ MR, Statement (Rev David Watson), NRS/ED15/258.

⁶⁴ MR, NRS/ED15/258.

⁶⁵ Ibid.

⁶⁶ Ibid.

the Great War, when in 1919 an investigation into probation services in Glasgow was carried out involving a consultation questionnaire circulated to interested parties such as judges, sheriffs, the police, local government, probation officers, education authorities and philanthropic bodies. In the wake of this a revised probation system was implemented which was still operative at the time of the Morton Committee. The Chief Constable of Glasgow, Mr. A. D. Smith explained that there were 16 probation officers in Glasgow: there were 11 male officers recruited exclusively from the police, one for each of the 11 police courts of the city, and five females.⁶⁷ Again, reflecting the denominational divides of the period, two of the female officers were Roman Catholic and three Protestant, each responsible for women and children of both sexes who came from their own religious tradition. Despite performing similar duties it was taken for granted that women probation officers received far less payment than their male counterparts.⁶⁸

Glasgow's reliance on police probation officers from the inception of probation in the city appears to have been related to questions of finance: according to Murray there was no other source from which funding could be obtained. Like other supporters of police probation officers, Murray argued that the police had proved more than equal to the task, confounding those who suspected them of being 'callous'⁶⁹ by carrying out their duties effectively and with a discipline which could not be matched by volunteers unable to exercise the same kind of 'restraining influence.'⁷⁰ The Chief Constable of Glasgow, like his counterparts in

⁶⁷ MR, NRS/ED15/258.

⁶⁸ Women received an annual salary of £164 5s, while male police officers, ranked as detective sergeants, were paid £6. 8s 6d. weekly. MR, NRS/ED15/258.

⁶⁹ MR, NRS/ED15/258.

⁷⁰ MR, NRS/ED15/258.

Edinburgh and Dundee, was also keen to trumpet the benefits of this close association between police and probation services. He made similar points about police efficiency and professionalism, contrasting these attributes with voluntary probation officers whom he accused of lacking discipline and accountability and devoting insufficient time to the work.

However, these arguments failed to convince the Morton Committee. In its view police officers were not suitable probation officers. While it acknowledged that they might have deterrent value, it declared that they lacked the qualities needed to produce a feeling of 'confidence' on the part of probationers (Morton Report, 1928: 72). On the contrary, their authoritarian position as agents of the criminal justice system made them more likely to inhibit and oppress probationers. The committee's recommendation to prohibit police officers from serving as probation officers was later given effect in the Probation of Offenders (Scotland) Act 1931. These statements by the Morton Committee go some way to answering the question posed by McNeill on the demise of police probation officers. But while he suggested that the transition might be related to the move away from supervision to treatment based ideas, this source indicates that it was more to do with ideas about the quality of character desirable in a probation officer. For the Morton Committee the character of the probation officer was a central point. The next section looks at the changes to probation under the Probation of Offenders (Scotland) Act 1931 which implemented the Morton Committee's proposals on probation in Scotland.

6 A National Probation Service in the 1930s

The Morton Committee recommended the formation of an efficient national probation service modelled on that set up in England and Wales under Criminal Justice Act 1925, Part 1. In formulating this proposal, the Committee was attempting to resolve the many contentious issues highlighted by the evidence presented to it.

As we have seen in the course of the paper, the two issues which provoked most debate were, firstly, the relative advantages of the volunteer and the 'whole time' probation officer and, secondly, the related subject of the controversial deployment of the police as probation officers in some areas, especially Glasgow. An important aspect of these debates is that they reflected the more general, longstanding and continuing tensions, also played out in many other contexts across the UK, between the voluntary sector and professionally organised alternatives. As in other areas of social organisation, where voluntary action sought to carve out and maintain a sphere for itself as a provider of social services in inter war and post war Britain, those who favoured volunteers made a strong case that they were able to be more humane, creative, spontaneous and flexible than their professional counterparts. This point has been made, for example, in relation to the coalition of women's voluntary services which tried to retain the pre-eminent position it held during the war in the years of postwar reconstruction (Berthezene, 2016; Finlayson, 1990). Much the same kind of argument emerged in the context of probation with claims being made that professional probation officers, notably the police, were constrained by structure and discipline and lacked the approachability needed in a probation officer. After all, they were charged under the Probation Act 1907 with the exhortation to

'advise, assist and befriend' offenders and the ability to create a bond of friendship with the probationer was highly valued by those who supported volunteers.

As has become clear, there was also discussion about many other issues, all of which were thoroughly explored by witnesses to the Morton Committee. There were questions about the ideal character and social background of probation officers. Possessing a strong moral character capable of inspiring and moulding young probationers was seen as the most essential quality of the probation officer. As the Morton Report (1928: 75) noted:

'This is a matter of first importance, for the influence of the probation officer is the most vital factor in probation.....We take strength of character and devotion to duty for granted when we say that the first essential in a probation officer is personality.' .

Linked to this were issues of gender, with women probation officers being regarded as ideally suited to deal with women and girls (Morton Report, 1928: 77; Worrall, 2008). Questions of religious affiliation were important too, with some areas having probation officers from different denominations to act for particular religious groups. Age also proved to be a significant issue with the Morton Committee suggesting that the ideal age on appointment should be between 25 and 35 when probation officers were still vigorous and in their prime (Clift, 1931; Morton Report, 1928: 76). In the quest for a more centrally organised system of probation, questions of the professionalisation of probation arose; these brought with them calls for specialist training and as well as a

proper structure of pay and pensions for salaried probation officers.⁷¹ There were also wider issues concerning the way in which probation related to the existing juvenile court structure and the challenges associated with proposed changes in this area: there is evidence of concern in influential circles that the reluctance in Scotland to introduce specialist juvenile court panels was a potential obstacle to the development of juvenile probation (Morton, 1934).⁷² And apart from these matters of personnel and organisation, there were more fundamental challenges to the value of probation itself with some critics arguing that probation let offenders off too easily. In the same vein, some vested interests from reformatory and industrial schools argued that probation was ineffective, that it delayed the process of reform and made their job harder when failed probationers were eventually handed over to them to be reformed.⁷³

The Committee's vision did not exclude the use of volunteer probation officers. The Report acknowledged the problems associated with delivery by volunteers; namely, organisational problems and sometimes sporadic availability. But it noted their value in easing the burden of the excessive caseloads of whole-time and part-time probation officers. The Report also recognised that volunteers were often well qualified to carry out probation work. It therefore endorsed them with the commendation that 'the best results will be obtained when a whole time probation officer works in close association with voluntary probation officers' (Morton Report, 1928: 77). However, the injunction to the 'whole-time'

⁷¹ Edinburgh probation officer, Katherine Scott, stated that probation officers should receive a salary of not less than £200 per annum which should be pensionable. MR, Statement, NRS/ED15/258.

⁷² Sir George Morton K.C. at the first official conference of the Scottish Central Probation Council in Glasgow in April 1934.

⁷³ See evidence of James Love, Secretary of the Reformatory and Industrial schools Association, Scotland, MR, Minutes, NRS/ED15/258.

probation officer to 'avail himself of the services' of volunteers made it clear that volunteers were seen in an ancillary capacity (Morton Report, 1928: 77).

Following these recommendations of the Morton Committee, the Probation of Offenders (Scotland) Act 1931 provided for the setting up of a Central Probation Council to advise on probation in Scotland. A locally based structure was created with each local authority named as a Probation Area administered by a Probation Committee which had to appoint at least one salaried probation officer for its area. As noted earlier, the Act provided that probation officers could not be recruited from the ranks of serving or former police officers. As envisaged by the Morton Committee, and provided for in new probation legislation,⁷⁴ voluntary probation officers continued to play their part in the delivery of services in certain areas of Scotland, notably in Edinburgh where the ethos of the volunteer probation officer and the traditional citizen-building values of the Juvenile Organisations Committee remained strong.⁷⁵

One of the ideas advanced by the Morton Report was the notion that the role of the salaried probation officer should be seen as a 'recognised profession' with all the associated benefits and status (Morton Report, 1928: 76). This concern with professionalisation is one of the features which emerges clearly from the paper and it is also emphasised in the contributions to the professional journal *Probation* by W.G. Buchanan, the Chief Probation Officer of Glasgow in the 1930s (1934; 1936). These articles offer a real sense of the issues that concerned probation officers in their daily working lives and also give some flavour of the wider public debates going on about juvenile justice.

⁷⁴ Under s.4 of the Probation of Offenders (Scotland) Act 1931 courts, when making a probation order, could nominate a salaried or a voluntary probation officer, or could nominate a salaried and a voluntary probation officer to act jointly.

⁷⁵ See Report of the Departmental Committee on Corporal Punishment (Cadogan Report, 1938: 29).

The articles emphasise the onerous duties and responsibilities of the professional probation officer working in the city's newly centralised system of probation. They portray a world where professional standards are essential in conducting case work and stress the value of possessing an 'elementary knowledge of psychology' (Buchanan, 1934: 302). This reinforces the notion of the increasing importance of scientifically based treatment ideas in the 1930s. However, it should also be recognised that the articles reveal an ongoing adherence to traditional religious, missionary values with a reference to the belief that 'in every one, even the most degraded, there is a spark of the Divine ' (Buchanan, 1934: 302).

The professionalisation of probation work was part of the burgeoning of professions occurring over the nineteenth and early twentieth centuries in response to widespread economic and social change (Perkin, 2002; Sarfatti Larson, 1977). In addition to well charted reform and consolidation of the well established professions of law (Lacey, 2011), medicine and the church, the period was also marked by the rise of a number of new professions operating in a diverse range of fields (Rose, 1985). This development was sparked by the growing need for specialised services and the application of new knowledges across the broad spectrum of business and industry as well as the requirements of local government, increasing bureaucracy and urban development. In the criminal justice sphere, as Nicola Lacey points out, professionalism was not purely the preserve of the legal profession: from the late eighteenth and early nineteenth century professional police services developed and in the early decades of the twentieth century the establishment of the welfare state and its myriad operations was reflected in the criminal justice arena in the emergence of

professional probation officers and social workers (Lacey, 2016: 121-129). More generally, the inter war years saw the entrenchment of a host of social care professionals such as school attendance officers and health visitors as well as the growing influence of psychology and psychiatric professionals with the spread of Child Guidance Clinics (Rose, 1985). This was the context in which the debates about the role of professional probation officers arose. In common with the process of professionalisation in other areas, the legitimisation of professional status was associated with the provision of clearly defined and accredited services delivered in accordance with recognised standards and subject to professional discipline (Lacey, 2016; Perkin, 2002). This was rewarded by the material advantages of salaries, pensions and paid holidays as well as the intangible benefits of respect and prestige. In most professions, it was important that services provided by members were exclusive to the particular profession. However, in Scotland the continued presence of volunteer probation officers into the 1930s slightly diluted this aspect of professional identity.

The demands of professionalism insisted on training and this was met by availability of courses delivered by those with expertise in relevant areas. For example, psychology lectures were given at evening classes under the auspices of the National Association of Probation Officers, NAPO, in Glasgow. Probation officers were also encouraged to embark on university level study, with some undertaking courses at the University of Glasgow. This mirrored developments in England. As Anne Worrall shows in her work on women probation officers in

London in the 1940s, training as a probation officer drew on a blend of legal, sociological and psychological knowledges (Worrall, 2008).⁷⁶

Another important feature of professionalisation was the momentum for occupational association which resulted in the formation of NAPO. With branches north and south of the border, the Scottish branch being formed in 1934, the association was an important vehicle for unification of the profession. The journal of the association, *Probation*, was in operation from 1929, publishing articles of interest to probation officers across the UK. Vanstone's (2004) account of the journal's role has rightly emphasised its significance in voicing the concerns of the profession, highlighting both practical and theoretical issues (Annison, 2009; Mair and Burke, 2012). These were reflected in articles and letters on matters as diverse as the importance of having enough women probation officers (Annison, 2009), the operation of juvenile courts, pension related topics, information about appointments, retirements and obituaries, accounts of conferences and meetings, policy matters, as well as theoretical pieces on psychological subjects. As Nikolas Rose (1985) has noted, the strongly psychologised tone of early editions of the journal, offered a constant theoretical backdrop and scientific basis for developing professional practices .

Further evidence of the growing sense that probation was a national UK concern is provided by print culture more widely. For example, the first official conference of the Scottish Central Probation Council was addressed by the influential London juvenile court magistrate, Basil Henriques, on the theme of 'Probation as an Essential National Service' (Henriques, 1934). A real sense of

⁷⁶ Worrall's article on gender and probation in the Second World War analyses the fictional, unpublished account of life as a probation officer in war time London written by her mother, Julia Steel, drawing on notebooks used by Steel in her training as a probation officer.

what was happening at grass roots level is conveyed by the reporting of this event in both *Probation* and *The Scotsman*. There was idealistic rhetoric with Henriques exhorting the team spirit, a team which included the 'delinquent' (*The Scotsman*, 1934). This inclusive approach, extolling national enterprise, was to be expected from Henriques, who played an important role in the settlement movement and the innovative development of London juvenile courts with his work at Toynbee Hall (Bradley, 2008). There was also talk of the value of probation for the 'childhood of the nation' from Joseph Westwood, a former MP for Kirkcaldy (*The Scotsman*, 1934).

7 Concluding thoughts

A final point which ought to be stressed here is the way in which the debates around probation were mirrored in other aspects of juvenile justice reform, especially in discussions about the composition of the juvenile courts. Again, in line with the recommendation of the Morton Committee, the Children and Young Persons (Scotland) Act 1932 permitted the creation of a new form of justice of the peace juvenile court presided over by those specially qualified to deal with children's cases. Unlike England, where specialist juvenile courts were implemented across the country,⁷⁷ only four areas in Scotland elected to adopt this form of juvenile court: Aberdeen Ayrshire, Fife and Renfrewshire. But this limited application of the idea did not mean that the merits of specialist courts did not attract great interest and were not widely debated. Among the arguments advanced for the idea of specialist courts, questions of personnel were critical, as in the probation debates. Like the English debates on the same

⁷⁷ Children and Young Persons Act 1933.

issue, three points were of particular importance. First, there was the gender aspect with the case for the input of women magistrates in juvenile courts echoing the calls for more women probation officers (Logan, 2005, 2009).⁷⁸ Secondly, there was concern about the age of magistrates. Objections were often raised to elderly people sitting as judges in juvenile courts: they were criticised for being too remote and out of touch with the needs of children or perhaps even being too deaf to hear what was being said in court.⁷⁹ This in some ways reflects the concern about the appropriate age for appointment as probation officers, with the ideal age being considered to be between 25 and 35. The third issue was the question of training for the role: demands for specially qualified magistrates in juvenile courts had parallels with the issue of professionalisation of probation officers and the development of occupational training and university courses. A further point to consider on the relationship between the development of probation and the unenthusiastic response to juvenile court reform in 1930s Scotland is that presciently raised by Sir George Morton, now Sheriff Morton of Aberdeen, at a conference on probation in 1934 (Morton, 1934).⁸⁰ He expressed his fear that initial indications were that there was a reluctance to proceed with proposals for the new specially constituted justice of the peace juvenile courts, and he speculated that this might hamper development of juvenile probation. He noted that probation was underused, with only around 3% of all offenders being dealt with by this method and concluded that magistrates were failing to recognise the importance of probation. The perception that courts neglected to consider the option of probation in many suitable cases was enduring, still being

⁷⁸ See discussion on gender balance at the annual meeting in Glasgow of the Scottish Justices and Magistrates Association in 1938 (*The Scotsman*, 1938b).

⁷⁹ Letter from Aberdeen Headmaster to Lord Advocate, 4/10/49.

⁸⁰ Sir George Morton, 'Scottish Probation Conference'.

aired decades later (McNeill, 2005). But, as McNeill notes, probation orders were far more likely to be made in cases involving juveniles than adults. Drawing the comparison between disposals for juveniles and adults in courts of summary jurisdiction in 1932 and 1945, there was a marked difference in approach, with probation orders being made in 10.35% of cases involving juveniles in 1932 and 13.47% of cases in 1945, while in cases concerning adults the corresponding figures were a mere 1.57% and 0.87% (McNeill 2005: 31 citing Scottish Office, 1947).⁸¹ Morton was proved correct in his prediction about the under development of the specialist juvenile court, but while it is difficult to assess with any certainty the impact this missed opportunity had on juvenile probation or indeed other aspects of juvenile justice, it seems highly likely that the progressive influence of a network of specialist juvenile courts would have encouraged further use of probation for juveniles.

This discussion of probation history in Scotland in the 1920s and 1930s has in some ways echoed a theme of importance to other aspects of criminal justice history: it shows the transition from local, ad hoc systems to national forms of organisation which was also reflected in a range of areas, from criminal procedure to policing history (Barrie, 2008; Barrie and Broomhall, 2014; Farmer, 1997). The background contest for ascendancy discussed in the paper between volunteer probation officers and the professional police probation officers, also resonated in other areas of social organisation as the welfare state began to assert itself, wrestling control away from the charitable sector. In this case, the battle was won by a different sort of professional: the freshly minted salaried,

⁸¹ Note also Judicial statistics, Scotland, 1933,1934-35 [Cmd. 4757] indicating that of the 9179 children proceeded against 1225 received a probation order.

superannuated and trained professional probation officer of the 1930s. Yet, despite the increasing likelihood that the professional probation officer would be versed in treatment-based ideas drawn from scientific disciplines like psychology, it was also the case that probation officers retained access to traditional ideas about building citizenship and character. This was demonstrated both in the discourse surrounding methodology (Buchanan, 1934, 1936) and in the support that they received from the voluntary sector like volunteer probation officers or youth group organisations, steeped in long-held values about character formation being rooted in religious and civic ideals. These were the kind of notions cherished by many of the 1920s volunteer probation officers discussed in the paper. As we have also seen, while these voluntary probation officers might have conformed to traditional notions in their ideological outlook, they did not always conform neatly to the disciplinarian image associated with them in much academic literature.

Funding

This work was supported by a British Academy Postdoctoral Fellowship.

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